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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): LAHTI et al.

SERIAL NO.: 09/974,021

ART UNIT:

FILING DATE:

October 9, 2001

EXAMINER:

TITLE:

ARRANGING SESSION BETWEEN SERVER AND CLIENT

DEVICE

ATTORNEY

DOCKET NO.:

324-010620-US (PAR)

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BOX DAC

Commissioner for Patents Washington, D.C. 20231

OFFICE OF PETITIONS

PETITION TO CORRECT INCORRECTLY ENTERED DATE-IN ON EXPRESS MAIL LABEL

Sir:

In accordance with 37 C.F.R. § 1.10(d) and M.P.E.P. § 513, Applicants hereby petition for correction of the filing date accorded the above-referenced patent application because the "date-in" on the "Express Mail" mailing label was incorrectly entered by the United States Postal Service ("U.S.P.S."). Applicants respectfully request that the above-referenced patent application be accorded the filing date of October 9, 2001, which as demonstrated below, is the actual date on which the above-referenced patent application was deposited with the "Express Mail Post Office to Addressee" service of the U.S.P.S.

Applicants first became aware of a problem with the filing date upon receipt of the filing receipt, which was mailed November 13, 2001. Thereafter, Applicants' representative contacted the U.S.P.T.O. by telephone on a number of occasions in an attempt to rectify the problem. Applicants are now promptly filing this petition to correct the "date-in" error by the U.S.P.S. on the "Express Mail" mailing label.

The above-referenced patent application was placed in an "Express Mail" Post Office to Addressee package, with "Express Mail" mailing label number "EL627510264US". A separate label with the mailing label number on it was also placed on the front page of the patent application.

The requested filing date is "October 9, 2001", which is the date Applicants deposited Express Mail number EL627510264US with the U.S.P.S. However, the U.S.P.S. incorrectly hand wrote as the date-in as "10/2/01". The U.S.P.S., did however, ink stamp the correct date of October 9, 2001 on the mailing label. A copy of stamped Express Mail receipt EL627510264US is attached hereto as Exhibit 1, together with a copy of the certificate of mailing.

As evidence that the date of deposit of Express EL627510264US is October 9, 2001, Applicants enclose a copy of Applicants' representatives' "Express Mail Corporate Account Mailing Statement" for the period of October 6, 2001, November 2, 2001. (A copy attached hereto as Exhibit 2.) reflected therein, on October 9, 2001, the U.S.P.S. charged the corporate account the amount of \$16.25 for "Express Mail" label number EL627510264US, which is the number corresponding to the above-referenced application.

As further corroborative evidence from the U.S.P.S. that the actual date of deposit is October 9, 2001, enclosed are copies of Express Mail receipts EL244180638US and EL627510247US, both of which were also deposited at approximately the same time as EL627510264US, by Applicants' representatives with the U.S.P.S. on October 9, 2001. (Copies attached hereto as Exhibit 3). receipt bears the date-in and the date stamp of October 9, 2001. Applicants' representatives' Corporate Account Mailing Statement reflects charges related to both of these Express Mail items on October 9, 2001. Also, as noted on each Express Mail receipt, the "time-in" for EL244180638US and EL627510247US are 16:46 p.m. and 16:47 p.m., respectively. The "time-in" of EL627510264US, the subject of the instant petition is 16:48 p.m. submitted that this evidence adequately demonstrates that the U.S.P.S. employee erred by writing in "10/2/01" as the date-in for Express Mail EL627510264US, when the actual date of deposit was October 9, 2001.

In light of the foregoing, Applicants respectfully submit that the handwritten "date-in" on Express Mail Number EL627510264US is incorrect. The correct date of deposit, as demonstrated by the attached evidence from the U.S.P.S., is October 9, 2001. Therefore, Applicants' respectfully request that the above-referenced patent application be accorded the filing date of October 9, 2001.

A check in the amount of \$130.00 is enclosed for the petition fee required under 37 CFR \$1.17(h). The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No.

If any issues remain, the office is requested to contact the undersigned by telephone at the number listed below.

In accordance with telephone instructions from the U.S.P.T.O., also enclosed herewith under a separate cover letter is the Completion of Filing Requirements for the above referenced application, which includes the "Combined Declaration and Power Attorney" documents, verified English of Translation, Preliminary Amendment and separate check for the completion fees of \$512.00.

Respectfully submitted,

Req. Mo.

Perman & Green, LLP

425 Post Road

Fairfield, CT 06430

(203) 259-1800

Customer No.: 2512

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OFFICE OF PETITIONS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, BOX DAC, Washington, D.C. 20231.

Date: <u>Dec. 14</u> 2001

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Applicant(s). LAHTI	et al.		324-010620-US(PAR)
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Note: Each paper must have its own certificate of mailing.



EXPRESS MAIL CORPORATE ACCOUNT

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ACCOUNT NO: 066093

PERIOD: 10/06/01 - 11/02/01

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